

United States District Court  
Western District of Texas  
El Paso Division

United States of America,  
Plaintiff,

v.

Joseph O'Hara,  
Defendant,

and

Teachers Insurance & Annuity Association of  
America,  
Garnishee.

Case No. EP-10-CR-2842-FM(2)

**Motion for Final Order of Garnishment**

Plaintiff, United States of America, files this Motion for Final Order of Garnishment, showing as follows:

1. On July 30, 2013<sup>1</sup>, the Court sentenced Defendant Joseph O'Hara to serve 36 months of imprisonment and to pay \$2,890,388.35 in restitution to the El Paso Independent School District, jointly and severally with two co-Defendants, after he pled guilty to one count of conspiring to commit mail fraud and the deprivation of honest services in violation of 18 U.S.C. §§ 1349, 1346, and 1341. (*See* JCC, Doc. Nos. 192 and 196). Upon Defendant's sentence, a federal tax type lien arose and was automatically and statutorily imposed on all of his property for collection of the outstanding restitution. *See* 18 U.S.C. § 3613. According to the records of the United States District Clerk, as of February 1, 2023, the principal amount of \$2,789,938.64 remains outstanding on this criminal debt. Interest is accruing at the rate of 0.120%.

2. On November 16, 2022, the Court ordered that a Writ of Garnishment be issued

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<sup>1</sup> The judgment was amended on October 31, 2013 to include a Bureau of Prison designation and to add a second co-Defendant for the joint and several restitution debt.



against Garnishee Teachers Insurance & Annuity Association of America for any and all property belonging to the Defendant within its possession, custody, or control. (Doc. No. 229).

3. On December 13, 2022, Garnishee filed an answer to the writ, admitting that it had nonexempt property in its possession, specifically, a retirement account with \$18,686.39.

4. On December 21, 2022, Defendant was properly served with notice of the garnishment proceedings and Garnishee's answer. (Doc. No. 239). He has not requested a hearing or claimed exemptions.

5. The matter is therefore ripe for a final order of garnishment. Pursuant to 28 U.S.C. § 3205(c)(7) if no hearing is requested within the required time period (20 days from receipt of the answer), the Court shall enter an order directing the garnishee as to the disposition of the judgment debtor's nonexempt interest in the garnished property. Sixty-seven (67) days have passed since Garnishee filed its Answer and forty-seven (47) days since the United States served the Defendant at a new address.

6. Accordingly, the United States respectfully requests that the attached order be entered directing Teachers Insurance & Annuity Association of America to pay to the United States the entirety of the funds in the garnished account minus any amount withheld for the payment of federal taxes.

WHEREFORE, the United States prays that the proposed order be approved and entered by the Court.

Respectfully submitted,

JAIME ESPARZA  
UNITED STATES ATTORNEY

By: /s/ Kristy K. Callahan

**KRISTY K. CALLAHAN**



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ATTORNEY FOR UNITED STATES

**Certificate of Service**

I hereby certify that on February 6, 2023, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system and I hereby certify that I have mailed by United States Postal Service the document to the following non-CM/ECF participants:

Teachers Insurance & Annuity Association of America  
ATTN: Jared Curlis  
2850 Lake Vista Drive, Suite 300  
Lewisville, Texas 75067

Joseph O'Hara  
927 N. Saint Clair Street  
Apt. 1  
Pittsburgh, Pennsylvania 15206-2133

/s/ Kristy K. Callahan

**KRISTY K. CALLAHAN**

Assistant United States Attorney